# IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

Case No.: 18-13429

John Borschel AKA John C. Borschel,

: Chapter 13: Judge Richard E. Fehling

AKA John Clifton Borschel, DBA Allentown Catering

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Debtor(s).

### **OBJECTION TO DEBTOR'S CHAPTER 13 PLAN**

Now comes Wells Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

- 1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 1730 Blue Barn Rd., Orefield, PA 18069. Creditor has filed proof of claim number 2 for the subject mortgage loan in the amount of \$75,075.07.
- 2. Debtor's Chapter 13 Plan fails to provide for Creditor's subject mortgage loan as a secured claim. As Creditor believes that Debtor still holds an interest in the property, Creditor requests that the Plan be amended to provide for Creditor's claim (as specified below) or to surrender said interest.
- 3. In addition, Debtor's Plan fails to address that the note for Creditor's mortgage lien has matured. Creditor requests that Debtor's Plan be amended to provide for Creditor's total debt claim to be paid through the plan. Creditor further requests that Debtor's Plan include a provision requiring Debtor to obtain a payoff quote from Creditor before the last payment under the note is made to ensure the total amount of the loan is paid in full.
- 4. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v.

<u>American Savings Bank</u> (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

#### /s/ Karina Velter

Karina Velter, Esquire (94781) Kimberly A. Bonner (89705) Adam B. Hall (323867) Sarah E. Barngrover (323972) Manley Deas Kochalski LLC P.O. Box 165028 Columbus, OH 43216-5028 Telephone: 614-220-5611

Fax: 614-627-8181 Attorneys for Creditor

The case attorney for this file is Karina

Velter.

Contact email is kvelter@manleydeas.com

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's

Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, Chapter 13 Trustee, 2901 St. Lawrence Ave., Reading, PA 19606

Barton Knochenmus, Attorney for John Borschel DBA Allentown Catering, 1275 Glenlivet Drive Suite 100, Allentown, Allentown, PA 18106-3107, knochenmuslaw@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on September \_\_\_7\_, 2018:

John Borschel AKA John C. Borschel, AKA John Clifton Borschel, DBA Allentown Catering, 1730 Blue Barn Road, Orefield, PA 18069

DATE:	9/7/18	
LIAIC	2/1/10	

/s/ Karina Velter

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